REMARKS/ARGUMENTS

In light of the above-amendment and remarks to follow, reconsideration and allowance of this application are requested.

Applicants' representative appreciates the courtesy extend by Examiner Colbert on January 13, 2005 to discuss the merits of the present office action in view of the previous office actions dated August 9, 2002, October 30, 2003 and July 12, 2004, and declarations filed on March 31, 2004 and August 14, 2003. Applicants' representative indicated to the Examiner Colbert that the primary reference, U.S. Patent 6,044,366 (Graffe et al.), relied on by the Examiner in this Office Action to reject all of the claim was previously addressed in the responsive amendment and declaration filed on March 31, 2004. Accordingly, applicants' representative submit that Graffe et al. is not prior art under 35 U.S.C. § 102 and the § 103 rejections based on Graffe et al. are improper and should be withdrawn. Examiner Colbert indicated to the applicants' representative that although the USPTO records indicate a filing of the declaration on March 31, 2004, it is missing from the file. Applicants' representative agreed to send Examiner Colbert another copy of the declaration including exhibits.

Additionally on January 13, 2005, Examiner Colbert and applicants' representative discussed spelling out the words "max" and "min" in the claims, and amending the words "pre-computed greatest-valued list" and "pre-computed least-valued list" to "pre-computed greatest-value list" and "pre-computed least-value list". Consistent with Examiner Colbert's kind suggestion, claims 41, 42, 48, 49, 50, 52, 53, 69, 70, 75, 76, 78 and 79 have been amended herein.

Further, applicants' representative directed Examiner Colbert's attention to the fact that amendment filed on October 12, 2004 fully addressed all of the rejections raised in the office action dated July 12, 2004. Contrary to Examiner Colbert's assertion in the present office action (see paragraph 11, pages 13-14), the July 12, 2004 office action raised only prior art rejections based on Yianilos et al. and Adar et al. which were fully addressed and overcome in amendment filed on December 9, 2002 in response to the August 9, 2002 office action (Paper No. 9). Applicants' representative directed Examiner Colbert's attention to

the fact that she raised prior art rejections based on Graffe et al. and Adar et al. in the October 30, 2003 office action which were fully addressed and overcome in amendment and declaration filed on March 31, 2004 (enclosed herein with exhibits).

Claims 36, 47 and 48 have been rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully direct the Examiner's kind attention to the fact that in accordance with Examiner's suggestion, claims 36 has been amended in the previous amendment filed March 31, 2004 to recite that if more than one queries are determined to have the least-valued result, then one query is selected as having a minimum result. That is, if there is a tie as to which query has the least-valued result, then one query is selected or designated as having the minimum result.

As previously stated in Amendment filed October 12, 2004, applicants respectfully submits that claim 47 dependent on claim 40 is definite in that claim 47 clearly recites the step of displaying the first query and its corresponding result, if it is determined that the first query has the greatest-valued result in claim 40. That is, claim 47 recites that the first query itself and its result are displayed if the first query provides the greatest-valued result. Accordingly, applicants respectfully submit that claims 47 define applicants' invention in clear and definite term, as required in U.S.C. § 112.

Claim 48 has been amended herein. Applicants respectfully submits that amended claim 48 now dependent on claim 40 is definite in that claim 48 clearly recites the step of displaying the first query and its corresponding result, if it is determined that the first query has the least-valued result in claim 40. That is, claim 48 recites that the first query itself and its result are displayed if the first query provides the least-valued result. Accordingly, applicants respectfully submit that claims 48 define applicants' invention in clear and definite term, as required in U.S.C. § 112.

Therefore, applicants respectfully request that the rejection of claims 36, 47 and 48 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 29-96 have been rejected as allegedly being unpatentable over U.S. Patent 6,044,366 (Graffe et al.) in view of U.S. Patent 5,802,51 (Adar et al.) or the combination of Adar et al. and U.S. Patent 4,490,811 (Yianilos et al.). Applicants respectfully traverse these rejections. Additionally, applicants respectfully directs the Examiner attention to the fact this

same rejection was originally raised in the Office Action dated October 30, 2003 (Paper No. 17) and already fully addressed and overcome in previous amendment filed on March 31, 2004 in response to same.

For the Examiner's convenience, applicants recite their arguments detailed in the March 31, 2004 amendment.

Applicants submit that Graffe et al. is not prior art under 35 U.S.C. § 102 and the § 103 rejections based on Graffe et al. are improper and should be withdrawn. As stated in the enclosed Declaration filed March 31, 2004, applicants respectfully submit that well prior to the March 16, 1998 filing date of the Graffe et al. patent, the reference invention was conceived and reduced to practice. The Graffe et al. patent is therefore inapplicable as § 102 prior art and a reference that does not qualify as prior art under § 102 cannot be basis of a rejection under § 103. Applicant therefore respectfully request that the rejection based on allegedly obviousness in view of the Graffe et al. patent be reconsidered and withdrawn. Accordingly, the allowance of claims 29-96 is solicited.

Moreover, contrary to the Examiner's assertion, Graffe et al. does not teach or suggest "determining queries in a plurality of queries having said at least one computation and sharing one or more elements in common with the user query to provide a set of related queries," as called for in independent claim 29 and similarly in independent claims 50, 54, 57, 76, 93 and 96. In fact, col. 9, Tables 7 and 8 in Graffe et al., cited by the Examiner, merely shows results of a particular query. "This statement produces Table 7 ... The results of this query are listed in Table 8." (Graffe et al., col. 9, lines 7, 35). Accordingly, applicants respectfully submit that Graffe et al. merely describes that a query can generate a plurality of results, but does not teach or suggest determining related queries sharing one or more elements in common with the user query. It is appreciated that determining multiple results for a given query is not equivalent to determining multiple queries related to that given query.

Further, contrary to the Examiner's assertion, Graffe et al. does not teach or suggest determining computationally related queries, as called for in claims 54 and 93. It is appreciated that Graffe et al. is directed to "the problem of gathering, sufficient statistics of the data, represented in the form of a counts table." (col. 5, lines 9-11) In fact, col. 10, lines

47-50, cited by the Examiner, merely describes that "To obtain the counts table one would execute a union of M group by subquereris on the resulting UNPIVOT table to obtain a desired count against each of the class 1, ..., classM columns."

Furthermore, as admitted by the Examiner, Graffe et al. and Adar et al. fails to teach or suggest pre-determining a set of computationally related queries and pre-determining queries having the greatest-valued or least-valued result from the set of computationally related queries, as called for in claims 41, 50 and 76. To cure this deficiency in Graffe et al. and Adar et al., the Examiner turns to Yianilos et al. However, contrary to the Examiner's assertion, Yianilos et al. fails to teach or suggest pre-determining a set of computationally related queries and pre-determining queries having the greatest-valued or least-valued result from the set of computationally related queries, as called for in claims 41, 50 and 76. It is appreciated that the term "pre-determining" means determining these related queries before receiving the user query. That is, the present invention pre-determines these related queries in advance by examining the entire database records or data sets without knowing the "attribute-valued strings" of the user query. Yianilos et al. describes "scrutiniz[ing] the data as it passes, looking for records that are very similar to the query provided" (col. 19, lines 4-5); "[a]s records pass by on the data bus 338, the records are received by the associator circuit on interface 372 over bus 374 where the records are merged with query characters transmitted over bus 376" (col. 19, lines 29-32); and "the three associators forward their 'opinion' of how similar the record and the query were" (col. 20, lines 5-6). Portions of Yianilos et al. cited by the Examiner merely describe comparing the records to the user query, and does not describe pre-determining computationally related queries without using the user query.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

* * *

The Commissioner is hereby authorized to deduct any additional fee or credit any overpayment to Deposit Account No. 50-0624, under Order No. **NY-VIR 201-US (10001987)** from which the undersigned is authorized to draw.

Dated: February 11, 2005

Respectfully submitted,

By _____

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